

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Joel H. Green,)	
)	Civil Action No.: 5:12-1086-RMG
Plaintiff,)	
)	
vs.)	ORDER
)	
Randolph Murdaugh, III; Walterboro Police)	
Department,)	
)	
Defendants.)	
_____)	

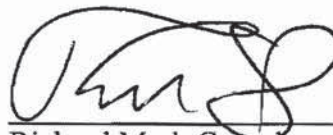
This matter is before the Court upon the recommendation of Magistrate Judge Kaymani West that Plaintiff Joel Green's action be dismissed without prejudice. Because this is a *pro se* complainant seeking relief pursuant to 42 U.S.C. § 1983, this case was automatically referred to the United States Magistrate Judge for all pretrial proceedings pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(d), D.S.C. Plaintiff seeks monetary damages against Defendants, alleging that they caused him pain and suffering by failing to comply with the "Interstate Compact Agreement on Detainers" and wrongfully imposing on him a longer period of incarceration than was justified. (Dkt. No. 12 at 2). Plaintiff further alleges that Defendants breached a contract and committed legal malpractice. *Id.*

This Court is charged with conducting a *de novo* review of any portion of the Magistrate Judge's report to which a specific objection is registered, and may accept, reject, or modify in whole or in part the recommendations contained in that report. 28 U.S.C. § 636(b)(1). However, absent prompt objection by a dissatisfied party, it appears Congress did not intend for the district court to review the factual and legal conclusions of the Magistrate Judge. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Additionally, any party who fails to file timely, written objections to the Magistrate Judge's report pursuant to 28 U.S.C. § 636(b)(1) waives the right to raise those

objections at the appellate court level. *United States v. Schronce*, 727 F.2d 91, 93-94 (4th Cir. 1984). No objections have been filed to the Magistrate Judge's Report and Recommendation.

A review of the record indicates that the Magistrate Judge's report accurately summarizes the case and the applicable law. This Court wholly adopts the Report and Recommendation of the Magistrate Judge. (Dkt. No. 12). For the reasons articulated by the Magistrate Judge, it is hereby **ORDERED** that Plaintiff's complaint be **DISMISSED** without prejudice for failure to state a claim upon which relief can be granted and for lack of subject matter jurisdiction.

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', is written over a horizontal line.

Richard Mark Gergel
United States District Judge

Charleston, South Carolina
June 9, 2012